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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,298	12/19/2001	David N. Goldberg	10019867-1	2928

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EXAMINER

PHAM, TITO QUANG

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,298	Applicant(s) GOLDBERG ET AL.	
	Examiner Tito Pham	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/11/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-9, 13, 15-17, 21 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 10-12, 14, 18-20, 22, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7-9, 13, 15-17, 21, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartfai et al. (US Pub. 2003/0101367 A1) (hereinafter Bartfai)
 - With regards to claims 1 and 9, Bartfai discloses a method of error protection comprising: detecting an error during communication between nodes in a network, said nodes separated by a link; blocking further communication between said nodes in response to said detected error; and unblocking said blocked communication between said nodes, provided said communicating nodes have resolved said detected error, wherein said communication between said nodes is re-enabled (see figure 1, paragraphs 006, claim 1).
 - Regarding claims 5, 13, and 21, Bartfai teaches resolving of said detected error is performed by each of said communicating nodes, and is in a manner appropriate for each node (see paragraphs 29 & 30).

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- Regarding claim 17, same analysis is applicable above. Bartfai further discloses a communication interconnect (figure 1); an optional display device coupled to said communication interconnect (it is inherent that an optional display device is connected to at least one node in order to monitor and execute software programs and application (paragraphs 002 and 003); and a processor coupled to said communication interconnect (paragraph 003).
 - Regarding claims 7 and 15, Bartfai shows a first storage element and a second storage element are disposed in said link (figure 2 reference 162, paragraph 003). Memory in adapter is interpreted as storage element and is disposed in a link connected to the adapter.
 - Regarding claims 8, 16, and 24, Bartfai shows a first storage element and a second storage element are disposed in each said node (paragraph 004). Memory in a node is interpreted as storage element disposed in each node.
3. Claims 1, 5, 7-9, 13, 15-17, 21, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US Pub. 2003/0018926 A1).
- With respects to claim 1, Chen teaches a method of running a diagnostics program on an adapter in a node of a network without needing to reboot, this is interpreted as a method of error protection comprising: detecting an error during communication between nodes in a network, said nodes separated by a link (Figure 2, paragraphs 001 and 005).

Chen teaches blocking any new open system calls and input/output control calls, this is interpreted as blocking further communication between said nodes in response to said detected error (paragraph 005).

Chen discloses running a diagnostic program for the adapter, this is interpreted as performing recovery operations to resolve the detected error, said recovery including enablement of said disabled communication (paragraph 005). Finally, Chen discloses resuming all blocked clients and applications; this is interpreted as unblocking said blocked communication between nodes (paragraph 0025).

- Regarding claim 17, same analysis is applicable above. Chen further discloses a communication interconnect (figure 2); an optional display device coupled to said communication interconnect (it is inherent that an optional display device is connected to at least one node in order to monitor and execute software programs and application (paragraphs 005 and 0025); and a processor coupled to said communication interconnect (figure 2, paragraph 0025).
- Regarding claims 5, 13, and 21, Chen teaches resolving of said detected error is performed by each of said communicating nodes, and is in a manner appropriate for each node (see paragraphs 005 and 0025).
- Regarding claims 7 and 15, Bartfai shows a first storage element and a second storage element are disposed in said link (figure 2 reference 212,

paragraph 003). Memory in adapter is interpreted as storage element and is disposed in a link connected to the adapter.

- Regarding claims 8, 16, and 24, Bartfai shows a first storage element and a second storage element are disposed in each said node (figure 3). It is inherent that there is a memory resides in a node in order to perform the diagnostic program on the adapter and other processes.

Allowable Subject Matter

4. Claims 2-4, 6, 10-12, 14, 18-20, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tito Pham whose telephone number is 571-272-8617. The examiner can normally be reached on 9-6 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tqp


CHI PHAM
SUPERVISORY PATENT EXAMINER
1/18/06